

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Upon entry of the foregoing amendments, claims 1-41 are pending for the Examiner's consideration, with claims 1, 28, and 29 being independent claims.

Claims 1-7, 9-11, 13, 15, 17-19, 21, 22, and 24-29 are amended herein. Claims 30-41 have been added. Applicants respectfully submit that these amendments introduce no new matter. All claim amendments are supported at least by the specification and claims as originally filed. Amended claims 1, 28 and 29 and new claims 36-39 are supported at least by original claim 1 and by Figs. 7-9 and paragraphs [0070] and [0071] of Applicants' specification. New claims 30-35 are supported at least by original claim 9. New claims 40 and 41 are supported at least by paragraph [0058] and Figure 5, respectively.

Claims 4-6, 7-8, 13-15, and 22-24 have been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a parent claim.

Claims 1-2 and 9-29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1, 9-11, 16, 18-20, 25, and 28-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,792,145 ("the Gay patent").

Claims 2-6, 7-8, 12-15, 17, 21-24, and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Gay patent in view of U.S. Patent Pub. No. 2004/0230892 ("the Horton publication"), either taken together or further in view of U.S. Patent Pub. No. 2006/0167772 ("the Zilberman publication").

The present application generally discloses a system and method for comparing two documents, such as subsequent Form 10Q's submitted to the Securities and Exchange Commission that describe a company's financial results. Various embodiments of the invention compare the two documents to identify changes in textual and numerical data, and in combinations of textual and numerical between them. According to various embodiments of the

invention, a comparison document can be generated with comparison tables showing an absolute difference or percent change in financial results reported in the two documents. For instance, the comparison may show a percentage change in revenue from the company's first quarter to its second quarter. Independent claim 1 of the present application, for example, recites "generat[ing] numerical tabular delta data indicative of at least one of a difference and a percentage change between the related first-document tabular numerical data and second-document tabular numerical data." Applicants submit that the pending claims are proper and sufficiently distinguish over the prior art of record, for reasons discussed below.

Improper Claim of Priority to Provisional Application

As originally filed, the present application contained an improper claim of priority to U.S. Provisional Application No. 60/461,386 ("the 60/461,386 application"). The Examiner notes that this claim of priority is improper because the 60/461,386 application does not provide support for at least one claim in the present application, nor does it share a common inventor.

Applicants' original claim of priority to U.S. Provisional Application Ser. No. 60/461,386 included a typographical error, as Applicants intended to claim priority to U.S. Provisional Application Ser. No. 60/471,386 instead. Applicants submit herewith a Petition under 37 C.F.R. §1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) to a prior-filed provisional application. In accordance with the requirements of 37 C.F.R. §1.78(a)(6)(i), Applicants have amended the specification to correct the typographical error and thereby recite the proper claim of priority to U.S. Provisional Application No. 60/471,386, filed May 16, 2003.

Rejection Under 35 U.S.C. § 101

Claims 1-2 and 9-29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner argues that although claim 1 recites the generation of tabular delta data, the tabular delta data is not necessarily made available to a user and therefore does not produce a tangible result but instead remains in the abstract. The Examiner admits that while the result is concrete and useful, it is not tangible. The Examiner asserts that independent claims 28 and 29 similarly lack claim 1's "tangibility," and that dependent claims 2 and 9-27 purportedly fail to correct this deficiency of claim 1.

Without conceding the sufficiency of the Examiner's rejection, Applicants have amended claims 1, 28 and 29 to recite either devices or steps for transmitting the delta data from the processor. Applicants submit that these "transmitting" elements produce a sufficiently tangible result and thereby overcome the Examiner's rejection. Accordingly, Applicants respectfully request the Examiner to withdraw the instant rejection of claims 1-2 and 9-29.

Rejection Under 35 U.S.C. § 102(e)

Independent claims 1, 28, and 29 and dependent claims 9-11, 16, 18-20, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,792,145 ("the Gay patent"). According to the Examiner, the Gay patent discloses a system and method for comparing two financial documents, such as subsequent Form 10Q's that describe a company's quarterly financial results. Further according to the Examiner, the system of the Gay patent compares the text and tabular data to generate a data matrix showing the similar and different data in rows and columns. The comparator uses text strings from the first document to search for similar strings in the second document, and then it extracts the similar data into the data matrix. It also identifies and extracts variations from the second document into a different plane of the data matrix. The Examiner asserts that the data extracted to the second plane teaches the "tabular delta data" that reflects a change between the related subject matter of two financial documents.

As amended, independent claims 1, 28, and 29 recite "generat[ing] . . . numerical tabular delta data" that is "numerically different in amount from the related first-document tabular numerical data and second-document tabular numerical data" from which it is derived. The Gay patent does not disclose or suggest such a third set of data that is numerically different in amount from two comparison data sets. Further, the Gay patent does not disclose or suggest computing a numerical "difference" or a "percentage change" between corresponding data from two documents, as recited in independent claims 1, 28, and 29. Rather, the comparison data cited from the Gay patent is an unchanged string from a second document that is different from a corresponding string in the first document. In other words, the Gay patent's comparison data is an unchanged text string from the second document, not a computed difference between data from the first and second documents. The system of the Gay patent does not disclose or suggest generating numerical tabular delta data that is numerically different from the data sets from

which it is derived. For at least these reasons, Applicants respectfully request that the instant rejection be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Dependent claims 2-6, 7-8, 12-15, 17, 21-24, and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Gay patent in view of U.S. Patent Pub. No. 2004/0230892 (“the Horton publication”), either taken together or further in view of U.S. Patent Pub. No. 2006/0167772 (“the Zilberman publication”). The Horton publication discloses a “redline” type document comparator that highlights newly added text. Like the Gay patent, the Horton publication does not disclose or suggest generating numerical tabular delta data that is numerically different from the data sets from which it is derived, as recited in the claims of the present application. The Zilberman publication discloses comparing a company’s financial data to predetermined values in order to create graphical representations of financial changes between different time periods. The Zilberman publication does not disclose a comparator, as recited in various claims of the present application, for comparing said first-document tabular numerical data to related second-document tabular numerical data to generate numerical tabular delta data indicative of at least one of a difference and a percentage change between the related first-document tabular numerical data and second-document tabular numerical data.

As a preliminary matter, Applicants do not concede that either the Horton publication or the Zilberman publication are prior art to the present application.

Regardless, dependent claims 2-6, 7-8, 12-15, 17, 21-24, and 26-27 are patentable, for the same reasons that the base claims from which they depend are patentable, and further due to additional features recited in those dependent claims. As discussed above, the Gay patent does not disclose or suggest the features of these claims, and the Horton publication and Zilberman publication do not remedy these deficiencies. Accordingly, Applicants respectfully request that the instant rejection of these claims be withdrawn.

Applicants additionally note that the new claims include additional features that distinguish over the prior art of record.

Conclusion


All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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